

IC 9-30-3

Chapter 3. Court Procedures

IC 9-30-3-1

Purpose

Sec. 1. This chapter governs the procedure in courts with original jurisdiction to hear and determine cases involving traffic offenses. This chapter is intended to provide for the just determination of these cases and to that effect shall be construed to secure simplicity and uniformity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-2

Court

Sec. 2. As used in this chapter, "court" means a tribunal with jurisdiction to hear and determine traffic violation cases and the judge or other presiding officer sitting as a court.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-3

Judge

Sec. 3. As used in this chapter, "judge" means an officer authorized by law to sit as a court.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-4

Nonmoving traffic offense

Sec. 4. As used in this chapter, "nonmoving traffic offense" means a violation of a statute, an ordinance, or a regulation concerning the following:

- (1) The parking or standing of motor vehicles.
- (2) Motor vehicles that are not in motion.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-5

Traffic offense

Sec. 5. As used in this chapter, "traffic offense" means a violation of a statute, an ordinance, or a regulation relating to the operation or use of motor vehicles and any violation of a statute, an ordinance, or a regulation relating to the use of streets and highways by pedestrians or by the operation of any other vehicle.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-6

Information and summons; form and content

Sec. 6. (a) In traffic cases, the information and summons shall be in substantially the following form:

In the _____ Court of _____ County

Cause No. _____ Docket No. _____

Page No. _____

State of Indiana

SS: _____

No. _____

County of _____

INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M

Name _____

Last

First

Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. ____ HT ____ WT ____

Oper. Lic. # _____ St. ____ Did Unlawfully

Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
() LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me

(Deputy Clerk) _____

This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20 ____ AT
____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

The information and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the information, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____
 REARREST BOND \$ _____ DATE _____
 1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____
 2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____
 3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____

	Motions	Date	Ruling	Date
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

 PLEA ☐ GUILTY
☐ NOT GUILTY
 FINDING ☐ GUILTY
☐ NOT GUILTY
 THE COURT THEREFORE, ENTERS
 THE FOLLOWING ORDER
 FINE \$ _____ AMOUNT SUSP. \$ _____
 (STATE) \$ _____
 COSTS
 (CITY) \$ _____
 _____ DAYS IN _____ DAYS SUSP.
☐ RECOMMENDED LICENSE SUSPENDED FOR _____
☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 PROBATION

 JUDGE: _____
 DATE: _____
 ATTORNEY FOR DEFENDANT _____
 ADDRESS _____ TELEPHONE _____
 WITNESSES

 The notice, the appearance, the plea of either guilty or not guilty, and the waiver shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(b) In civil traffic cases, the complaint and summons shall be in substantially the following form:

In the _____ Court of _____ County
 Cause No. _____ Docket No. _____
 Page No. _____
 State of Indiana

SS: _____ No. _____

County of _____

COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly

sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M

Name _____
Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT ____

Oper. Lic. # _____ St. _____ Did Unlawfully

Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____

Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
() LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me
(Deputy Clerk) _____

This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN _____
COURTROOM _____

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20 ____

AT ____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

The complaint and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the complaint, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____

2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____

3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____

summons; contempt

Sec. 7. A person who solicits or aids in the disposition or attempted disposition of a traffic information or summons in any unauthorized manner is in criminal contempt of the court having original jurisdiction of the cause of action or of the court named on the particular information in question.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-8

Failure to appear or answer; issuance of warrant; failure to execute; notification of bureau; suspension of driving privileges; nonresidents

Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

- (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
- (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and the original copy of the traffic information and summons or complaint and summons must accompany the notification.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-9

Traffic cases; court session; detainment of defendant; objections

Sec. 9. (a) If possible, traffic cases shall be tried separate and apart from other cases and may be designated as the "traffic" session or division.

(b) When a hearing involving a misdemeanor is adjourned, the court may detain the defendant in safe custody until the defendant is admitted to bail.

(c) An objection to the validity or regularity of the information or process issued must be made by the defendant before trial.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-10

Sentencing; appearance required

Sec. 10. The defendant shall be present at the imposition of sentence in all misdemeanor traffic cases.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-11

Plea of guilty; informing defendant of rights; record of proceedings; destruction of documents; liability of court officers

Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of

security deposit of a person, the court shall forward a copy of the judgment or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-12

Defensive driving school program; persons required to attend; fees; suspension of license; suspension of court costs

Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

- (1) been convicted of at least two (2) traffic misdemeanors;
- (2) had at least two (2) traffic judgments entered against the person; or
- (3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a defensive driving school program. The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under IC 9-24-11-3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program if either of the following occurs at least twice or if both of the following have occurred:

- (1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that solely involves motor vehicle equipment.
- (2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving license of any person who:

- (1) fails to attend a defensive driving school program; or
- (2) fails to satisfactorily complete a defensive driving school

program;
as required by this section.

(d) Notwithstanding IC 33-19-5-2, any court may suspend one-half (1/2) of each applicable court cost for which a person is liable due to a traffic violation if the person enrolls in and completes a defensive driving school or a similar school conducted by an agency of the state or local government.

As added by P.L.2-1991, SEC.18. Amended by P.L.225-1999, SEC.4.

IC 9-30-3-13

Rules for conduct of proceedings

Sec. 13. A judge may make rules for the orderly conduct of the proceedings of the judge's court if the rules are consistent with this chapter and the rules of the supreme court.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-14

Moving traffic offense committed by person other than the owner; notice to owner; contents

Sec. 14. (a) As used in this section, "moving traffic offense" means a violation of a statute, an ordinance, or a rule relating to the operation or use of motor vehicles while the motor vehicle is in motion.

(b) If a court convicts a person for a moving traffic offense and the person is known or believed by the court not to be the owner of the motor vehicle, the court shall, within seven (7) days after entering the conviction, deposit with the United States Postal Service, first class postage prepaid, notice addressed to the owner of the motor vehicle giving the owner the following information:

- (1) The name and address of the person convicted.
- (2) The name and address of the owner of the motor vehicle.
- (3) The offense upon which the conviction was made.
- (4) The date of arrest of the person convicted and the location of the place of the offense.
- (5) The license plate number of the motor vehicle.
- (6) The operator's or chauffeur's license number of the person convicted.
- (7) The date of the conviction and the name of the court making the conviction.

As added by P.L.2-1991, SEC.18.

IC 9-30-3-15

Proof of prior conviction; evidence

Sec. 15. In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy as set forth in IC 9-14-3-4 made from the records of the bureau are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant's driving license number or by any other identification method utilized by the bureau.

*As added by P.L.2-1991, SEC.18. Amended by P.L.112-2001, SEC.7;
P.L.1-2002, SEC.49.*

IC 9-30-3-16

Traffic offenders; driver improvement course; probation; suspension of license; fees

Sec. 16. (a) If a person has been found to have committed a traffic offense, the court may do the following:

(1) Require the person to attend and satisfactorily complete a driver improvement course that has been approved by the court and the bureau or by the bureau.

(2) Place the person on probation for up to one (1) year.

(3) Suspend the person's driver's license for up to thirty (30) days.

(b) A driver improvement course required under subsection (a) may be financed by assessing a charge that covers the direct cost of the course. However, the charge may not exceed:

(1) thirty dollars (\$30) for a classroom presentation; or

(2) forty dollars (\$40) for a distance learning presentation.

As added by P.L.2-1991, SEC.18. Amended by P.L.118-2001, SEC.8.